

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

2 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 2 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 17-32313
Heicel G. Rodriguez Judge: ABA

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: July 21, 2018
☒ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: /s/SW Initial Debtor: /s/ HR Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 338.00 per month to the Chapter 13 Trustee, starting on August 1, 2018 for approximately 52 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 2,960.00+1500.00
DOMESTIC SUPPORT OBLIGATION	Child Support	notice only
Internal Revenue Service	taxes	notice only
State of New Jersey	taxes	notice only

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
KeyBank	2013 Hyundai Azera	\$16,153.00	\$13,525.00	None	\$13,525.00	0%	\$13,525.00
Bank of NY Mellon	2130 S. Union Road Vineland	\$38,130.58	\$122,000.00	1st mortgage held with Bank of America (\$153,800.91)	\$0.00	0%	\$0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Bank of America- Arrears cured via loan modification. Debtor to maintain payments outside of the Plan.

g. Secured Claims to be Paid in Full Through the Plan: ☒ NONE

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☒ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☒ Not less than \$ 0.00 to be distributed *pro rata*

☐ Not less than _____ percent

☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Bank of NY Mellon	2130 S. Union Road Vineland, NJ 08361	\$38,130.58	\$122,000.00	1st mortgage held with Bank of America (\$153,800.91)	\$0.00	\$38,130.58

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
KeyBank	2013 Hyundai Azera	\$16,153.00	\$13,525.00	\$13,525.00	\$4,500.00

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Priority Claims
- 3) Secured Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: July 21, 2018.

Explain below **why** the plan is being modified:

To list Bank of America as unaffected by the Plan since the arrears were cured via a loan modification.

Explain below **how** the plan is being modified:

To list Bank of America as unaffected by the Plan since the arrears were cured via a loan modification.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes

☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: July 21, 2018

/s/Seymour Wasserstrum
Attorney for the Debtor

Date: July 21, 2018

/s/ Heicel G. Rodriguez
Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: July 21, 2018

/s/ Seymour Wasserstrum
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: July 21, 2018

/s/ Heicel G. Rodriguez
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Heicel G. Rodriguez
DebtorCase No. 17-32313-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 36

Date Rcvd: Jul 23, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 25, 2018.

db +Heicel G. Rodriguez, 2130 S. Union Road, Vineland, NJ 08361-7698
 lm +BANK OF AMERICA, 100 North Tryon Street, Charlotte, NC 28255-0001
 cr +THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO, Phelan Hallinan &Schmieg, PC,
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
 517158684 +American Express, PO Box 981537, El Paso, TX 79998-1537
 517301312 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 517158685 +BAC home loans serv LP, 4909 Savarese Circle, Tampa, FL 33634-2413
 517158687 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, Po Box 982238, El Paso, TX 79998)
 517178645 +BANK OF AMERICA, N.A., KML Law Group, P.C., 216 Haddon Avenue, Ste. 406,
 Westmont, NJ 08108-2812
 517250257 Bank of America, PO Box 31785, Tampa, FL 33631-3785
 517262764 Bank of America, N.A., PO Box 31785, Tampa, FL 33631-3785
 517342612 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 517158690 +Barclays Bank Delaware, 125 S West St, Wilmington, DE 19801-5014
 517158694 +Chase/Bank One Card Serv, PO Box 15298, Wilmington, DE 19850-5298
 517158695 +Citicards CBNA, PO Box 6241, Sioux Falls, SD 57117-6241
 517388983 IRS, PO Box 725 Special Procedures Function, Springfield, NJ 07081
 517158700 +KML Law Group, PC, 216 Haddon Ave, Ste 406, Collingswood, NJ 08108-2812
 517282309 +KeyBank N.A. s/b/m First Niagara Bank N.A., 4910 Tiedeman Road, Brooklyn Ohio 44144-2338
 517388985 Office of the Attorney General, 25 Market St., PO Box 112, Richard K Hughes Justice Complex,
 Trenton, NJ 08625-0112
 517388986 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, PO Box 245,
 Dept of Treasure-Division of Taxation, Trenton, NJ 08695-0245)
 517244811 THE BANK OF NEW YORK MELLON FKA THE BANK, Bank of America, PO BOX 31785,
 Tampa FL 33631-3785

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 23 2018 22:39:00 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 23 2018 22:38:57 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517158692 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 23 2018 22:41:32 Capital One Bank Usa,
 PO Box 30281, Salt Lake City, UT 84130-0281
 517158697 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 23 2018 22:38:53 ComenityCapitalBank/Bosc,
 PO Box 182120, Columbus, OH 43218-2120
 517158698 E-mail/Text: mrdiscen@discover.com Jul 23 2018 22:38:41 Discover Financial,
 P.O. Box 15316, Wilmington, DE 19850-5316
 517177899 E-mail/Text: mrdiscen@discover.com Jul 23 2018 22:38:41 Discover Bank,
 Discover Products Inc., PO Box 3025, New Albany, OH 43054-3025
 517388984 +E-mail/Text: cio.bncmail@irs.gov Jul 23 2018 22:38:46 IRS, PO Box 7346,
 Philadelphia, PA 19101-7346
 517158699 +E-mail/Text: key_bankruptcy_ebnc@keybank.com Jul 23 2018 22:39:03 KeyBank,
 4910 Tiedman Road, Cleveland, OH 44144-2338
 517353877 E-mail/PDF: resurgentbknofications@resurgent.com Jul 23 2018 22:52:55
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 517283558 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 23 2018 22:41:17
 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.a., POB 41067,
 Norfolk VA 23541
 517307457 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 23 2018 22:41:33
 Portfolio Recovery Associates, LLC, c/o Carnival, POB 41067, Norfolk VA 23541
 517307520 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 23 2018 23:04:24
 Portfolio Recovery Associates, LLC, c/o Frontier, POB 41067, Norfolk VA 23541
 517343238 E-mail/Text: bnc-quantum@quantum3group.com Jul 23 2018 22:38:56
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 517158701 +E-mail/PDF: gecsedirecoverycorp.com Jul 23 2018 22:53:05 SYNCB/TJX, PO box 965015,
 Orlando, FL 32896-5015
 517160855 +E-mail/PDF: gecsedirecoverycorp.com Jul 23 2018 22:52:52 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 517158696 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 23 2018 22:38:53 comenitybank/dtyfr.com,
 PO Box 182789, Columbus, OH 43218-2789

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 36

Date Rcvd: Jul 23, 2018

517158686* +BAC home loans serv LP, 4909 Savarese Circle, Tampa, FL 33634-2413
517158688* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank Of America, Po Box 982238, El Paso, TX 79998)
517158689* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank Of America, Po Box 982238, El Paso, TX 79998)
517158691* +Barclays Bank Delaware, 125 S West St, Wilmington, DE 19801-5014
517158693* Capital One Bank Usa, PO Box 30281, Salt Lake City, UT 84130-0281
517388982* IRS, PO Box 744, Springfield, NJ 07081-0744

TOTALS: 0, * 6, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 25, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 21, 2018 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE
CERTIFICATEHOLDERS OF THE CWHEQ INC. ET.AL. nj.bkecf@fedphe.com
Denise E. Carlon on behalf of Creditor BANK OF AMERICA, N.A. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmil@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmil@standingtrustee.com,
summarymail@standingtrustee.com
Rebecca Ann Solarz on behalf of Creditor BANK OF AMERICA, N.A. rsolarz@kmlawgroup.com
Seymour Wasserstrum on behalf of Debtor Heicel G. Rodriguez mylawyer7@aol.com,
ecf@seymourlaw.net
Sherri Jennifer Smith on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW
YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE
CERTIFICATEHOLDERS OF THE CWHEQ INC. ET.AL. nj.bkecf@fedphe.com, nj.bkecf@fedphe.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8